

HEAR

(Helping Employers/employees Alternatively Resolve)
Workplace Disputes Program
Alternative Dispute Resolution

Conflicts in the workplace will always exist, but there is a constructive way to handle those conflicts at an early stage, in an expeditious, cost-effective, and mutually satisfactory manner. Human Resources Office (HRO), Norfolk has an established program called **HEAR Workplace Disputes Program** that utilizes Alternative Dispute Resolution (ADR) methods for addressing workplace disputes. Since the Program's inception in Fiscal Year 1999, over 325 ADR sessions have been conducted. The ADR resolution rate to date in Fiscal Year 2003 is 81% which includes sessions that were conducted for various workplace disputes, including issues involving discrimination under Title VII.

HEAR Workplace Disputes Program offers a collaborative, voluntary dispute resolution approach that involves a neutral person who assists the parties in resolving their issues and concerns. A variety of ADR problem-solving processes are used to assist in resolving conflicts quickly that can result in enhanced morale, improved job performance, use of fewer monetary resources, greater customer satisfaction, and avoidance of litigation or other adversarial proceedings. The goal of the Program is to rebuild relationship and promote resolution between the parties at the earliest opportunity, by the fastest and least expensive method possible. Persons participating do not waive their right to proceed in another forum if a resolution is not reached.

Mediation, which is the most frequently used ADR process, is not a legal proceeding but a confidential, private, and voluntary dispute resolution process in which the parties involved discuss possible resolutions through the assistance of a mediator. The mediator asks questions, searches for the parties' interests, and helps the parties raise options for resolution. The mediator wants to ensure that if the parties reach a resolution, it is based on information and understanding. The mediator does not pass judgment, give advice, or offer his/her own opinion concerning the issue. The mediator is in charge of facilitating the process with skill and neutrality, while the parties work toward resolving the conflict. The settlement agreement must be satisfactory to all parties and can not violate any rights under law, regulation, policy, or a collective bargaining agreement.

HEAR Workplace Disputes Program also offers four other ADR processes in response to conflict, including Facilitation, Conciliation, Early Neutral Inquiry, and Settlement Conference.

Facilitation involves the use of techniques to improve the flow of information between parties. Facilitation techniques can also be used to conduct decision-making meetings when the parties are trying

to reach consensus. The facilitator provides procedural directions as to how the participants can efficiently move through the problem-solving steps of the meeting and arrive at a jointly agreed upon goal. The facilitator focuses on procedural assistance and remains impartial to the topics under discussion. **Conciliation** is confidential and, although the neutral does not make a decision in the matter, he/she collects and reviews documents, provides counseling, and recommends options to the parties for resolution. **Early Neutral Inquiry** offers the parties a confidential opportunity to receive from the neutral a frank, non-binding assessment of the overall value of the case should settlement not be reached. Early Neutral Inquiry helps the parties focus on the key issues of the case and discloses the key documents. **Settlement Conference** is also confidential and offers an analytical focus of the case. The neutral offers feedback to the parties and assists with reality checks. The neutral receives and reviews documents and facilitates negotiations between the parties and their representatives. However, the neutral is not a trier-of-fact and will not make a final decision for the parties.

To discuss in greater detail HRO Norfolk's **HEAR Workplace Disputes Program** or to request a brief for your organization, please contact Joyce Guthrie, Program Manager, telephone Comm (757) 444-7957 or DSN 564-7957, email guthriej@hronorf.navy.mil.

IMPORTANT NOTICE: *The foregoing should not be interpreted as interference with or discouragement of any individual's right to seek relief through any statutory or regulatory grievance or complaint procedure. Employees involved in workplace disputes may have legal entitlements to raise issues through a formal grievance or complaint procedure. Formal procedures have **time limits** to take initial action. These time limits are not extended because an individual chooses to seek informal resolution of an issue through ADR. Employees who are unsure of their lawful rights and remedies are **cautioned** to seek counsel from their personal representative, legal representative, union representative, or servicing Labor Relations Specialist, as appropriate.*